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**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

SIERRA SNOWMOBILE FOUNDATION,  
et al.,

Plaintiffs,

vs.

UNITED STATES FOREST SERVICE, et al.,

Defendants,

and

WILDEARTH GUARDIANS, et al.,

Intervenor-Defendants.

Case No.: 2:21-CV-01913-JAM-DB

**DECLARATION OF CHRIS KRUPP**

Hearing Date: January 10, 2023

Hearing Time: 1:30 p.m. PT

Judge: Honorable John A. Mendez

1 I, Chris Krupp, hereby declare as follows:

2 1. I reside in Seattle, Washington.

3 2. I am an employee and a member of WildEarth Guardians. I have worked for  
4 WildEarth Guardians since September 2016.

5 3. WildEarth Guardians is a non-profit environmental organization dedicated to the  
6 protection and restoration of wildlife, wild places, wild rivers, and the health of the American West.  
7 WildEarth Guardians is headquartered in Santa Fe, New Mexico, and maintains offices across the  
8 West. WildEarth Guardians has a long record of working in the public interest on matters regarding  
9 National Forest management, including but not limited to work specifically related to protecting  
10 imperiled wildlife and important wildlife habitat, and reducing the impacts from winter motorized  
11 travel on public lands. WildEarth Guardians advocates for full compliance with federal  
12 environmental laws. Guardians' aim is to preserve the integrity of the existing legal and policy  
13 framework related to motorized travel management, ensure Forest Service decisions protect  
14 important places for wildlife, ecological health, and quiet recreation, and limit motorized impacts.

15 4. WildEarth Guardians has over 187,000 members and supporters. Members and  
16 supporters of WildEarth Guardians use the Stanislaus National Forest for recreational, aesthetic,  
17 scientific, educational, and other purposes. Many of Guardians' members and supporters have  
18 particular interests in Sierra Nevada red fox, Pacific marten, Sierra Nevada yellow-legged frog, and  
19 Yosemite toad. Many of Guardians' members, such as Darca Morgan, also have particular interests  
20 in the management of winter motorized travel on the Stanislaus as it relates to their own recreation  
21 and enjoyment of the forest.

22 5. I am familiar with the Forest Service's July 2021 Over-Snow Vehicle (OSV) Use  
23 Designation Record of Decision ("Decision") that designates wintertime motor vehicle use on the  
24 Stanislaus National Forest in northern California.

25 6. WildEarth Guardians actively participated in the Forest Service's consideration and  
26 approval of the travel plan by submitting comments and an objection. WildEarth Guardians  
27 submitted comments on October 9, 2018, that urged the Forest Service to improve protections for  
28 vulnerable Sierra Nevada red fox, Pacific marten, Sierra Nevada yellow-legged frog, and Yosemite  
toad and their habitats in the project area from snowmobile impacts. Our comments included

1 citations to peer-reviewed scientific articles showing how motorized winter recreation harms winter  
2 wildlife and disrupts winter habitat. Our comments asked the Forest Service to designate over-snow  
3 vehicle trails and areas to minimize harassment of wildlife, disruption of wildlife habitat, and  
4 conflicts with non-motorized uses. Guardians' comments also raised concerns about the forest plan  
5 amendment to allow motorized use in "near natural" areas. WildEarth Guardians also submitted an  
6 objection to the Forest Service's draft decision on May 13, 2019. In its objection, WildEarth  
7 Guardians pushed for the Forest Service to revise its analysis under the National Environmental  
8 Policy Act ("NEPA") to fully disclose and consider the very real, very harmful impact of the  
9 proposed OSV designations on wildlife and habitat, requested the agency demonstrate how it  
10 located the OSV designations to minimize harassment of wildlife and disruption of important  
11 wildlife habitat, and urged the agency not to designate "near natural" areas for winter motorized  
12 use.

13         7. Science has made it clear that snowmobile use harasses winter wildlife and disrupts  
14 wildlife habitat. Snowmobiles and the noise they generate can displace wildlife from their normal  
15 winter habitat, forcing them to move to areas that may have less food and less shelter during a time  
16 already challenging for the species due to their high energy needs to survive the winter. Studies  
17 have shown displacement of various mammals occurs due to snowmobile use in their habitat.  
18 Snowmobiles also compact snow, allowing predators to access more remote, backcountry habitat.  
19 Snowmobile snow compaction may also harm small prey animals that live between the snow layer  
20 and the ground in winter.

21         8. The Sierra Nevada Distinct Population Segment (DPS) of the Sierra Nevada red fox  
22 is listed as endangered under the Endangered Species Act. The Sierra Nevada red fox DPS has an  
23 estimated population of 18 to 39 individuals. Snowmobile use harms the Sierra Nevada red fox DPS  
24 by limiting the availability of their rodent prey by compacting snow, thereby reducing temperature  
25 and available oxygen in the spaces between the ground and the bottom of the snowpack in a way  
26 that restricts rodents from access to the areas or lowers the prey's survival. Snowmobile trails of  
27 compacted snow also provide coyotes with easier access into areas that would otherwise be difficult  
28 to access due to deep snow, allowing the coyotes to prey on rodents that would otherwise be

1 available as prey for the Sierra Nevada red fox DPS. Coyotes can also predate on adult and young  
2 foxes.

3         9.       The Pacific marten is a Forest Service Region 5 “sensitive species” and a California  
4 “species of special concern” that occupies high elevation remote areas on the Stanislaus.  
5 Snowmobiles harm marten when the machines enter their winter habitat and compact snow, limiting  
6 the availability of rodent prey and providing coyotes access to the martens’ deep snow habitat  
7 where they can become prey. Snowmobile noise can also harm marten through displacement.

8         10.      The Yosemite toad is a threatened species under the Endangered Species Act.  
9 Yosemite toad designated critical habitat exists on the Stanislaus National Forest, within the OSV  
10 decision area. Yosemite toads rely on very shallow, ephemeral water in meadow and pool habitats  
11 for breeding and are highly sensitive to the slightest change in their habitat. Seemingly  
12 inconsequential negative changes to their habitat reduce their reproductive success, significantly  
13 affecting the existence of a species whose numbers are already small. The loss and degradation of  
14 meadow habitat is therefore a primary threat to the existence of the Yosemite toad. Snowmobile  
15 travel over areas that have low snow cover or are bare late in the season damages meadows.  
16 Snowmobiles can kill or injure Yosemite toads by impact when the machines travel over low snow  
17 or bare areas in meadows while the toads are moving from overwintering habitats to breeding  
18 habitats.

19         11.      The Sierra Nevada yellow-legged frog is listed as endangered under the Endangered  
20 Species Act. Designated critical habitat for the Sierra Nevada yellow-legged frog exists on the  
21 Stanislaus National Forest, within the OSV decision area. The species occupies lakes, ponds, tarns,  
22 and streams. Adult frogs emerge immediately following snowmelt and will move over ice to reach  
23 breeding sites. Snowmobile use near breeding sites during this time can kill or injure frogs.  
24 Additionally, OSVs pose other risks to these aquatic species through noise disturbance that can  
25 interfere with predator-prey interactions and cause stress, and chemical pollution from OSVs can  
26 runoff from melting snow into riparian habitat.

27         12.      The Forest Service’s Decision offers important steps to protect the wildlife and their  
28 habitat, such as adopting minimum snow depths for motorized winter travel, prohibiting designation

1 for OSV use in areas below 5,000 feet in elevation, and instituting a “closed unless designated  
2 open” approach to OSV use to reduce overall use on the forest.

3 13. WildEarth Guardians and its members have an interest in the protection of wildlife  
4 and wildlife habitat from adverse impacts of OSV use on the Stanislaus National Forest. The  
5 presence of wildlife including Sierra Nevada red fox, Pacific marten, Sierra Nevada yellow-legged  
6 frog, and Yosemite toad on the Stanislaus National Forest greatly enhances WildEarth Guardians’  
7 members’ experiences. Management actions that result in harassment of this wildlife or disruption  
8 of wildlife habitat severely diminishes WildEarth Guardians’ members’ enjoyment of the Stanislaus  
9 National Forest. The OSV designations in key habitat areas for these four species threaten their  
10 longevity and reproductive abilities. This reduces the probability of Guardians’ members viewing  
11 the wildlife and prevents the organization and its members from advocating for their protection. The  
12 re-opening of areas on the Stanislaus that the Decision closed to OSV use or placed limitations on  
13 OSV use would cause harm to wildlife and disruption of habitat, severely diminishing WildEarth  
14 Guardians’ members’ future enjoyment of the Stanislaus. Any reduction of the number of wildlife  
15 or quality of wildlife habitat injures those whose experience relies on their existence.

16 14. WildEarth Guardians and its members have suffered procedural harm because the  
17 Forest Service failed to comply with the procedural and substantive requirements of various federal  
18 laws in authorizing the Stanislaus OSV designation decision, including NEPA, the Travel  
19 Management Rule, and the National Forest Management Act (“NFMA”). WildEarth Guardians’  
20 staff, members, and myself rely on the Forest Service’s compliance with laws pertaining to  
21 environmental review and travel planning to stay informed and participate in travel planning  
22 decisions. By failing to follow the requirements of these statutes, the Forest Service harms my  
23 interests and the interests of Guardians’ staff and members in the Stanislaus National Forest. If the  
24 Forest Service complied with these laws, it might reach a different decision that is more protective  
25 of the landscape and wildlife, including populations of Sierra Nevada red fox, Pacific marten, Sierra  
26 Nevada yellow-legged frog, and Yosemite toad.

27 15. WildEarth Guardians and its members have suffered actual, concrete and distinct  
28 injury to their interests described above, caused by the Forest Service’s failure to comply with its

1 mandatory duties under NEPA, the Travel Management Rule, and NFMA by signing the Stanislaus  
2 OSV designation decision. For instance, as alleged in our Complaint, the Forest Service failed to:

- 3 a. take a “hard look” under NEPA at all direct, indirect, and cumulative  
4 environmental effects on endangered, threatened, and sensitive  
5 species from the OSV designations;
- 6 b. properly apply the minimization criteria of the Travel Management  
7 Rule to minimize harassment and habitat disruption for Sierra Nevada  
8 red fox, Pacific marten, Sierra Nevada yellow-legged frog, and  
9 Yosemite toad;
- 10 c. comply with NFMA by unreasonably concluding the Forest Plan  
11 Amendment would not have any substantial adverse effects to wildlife  
12 or habitat.

13 16. WildEarth Guardians’ and its members’ injuries are directly traceable to the Forest  
14 Service’s failure to comply with NEPA, the Travel Rule, and NFMA when making the Stanislaus  
15 OSV designations that fail to ensure the protection of rare wildlife such as the Pacific marten, Sierra  
16 Nevada red fox, Sierra Nevada yellow-legged frog, and Yosemite toad. We fear the final OSV  
17 decision will harm these species and lead to their demise or at least slow their recovery, impairing  
18 the ability of WildEarth Guardians’ members to enjoy the species and signs of their presence on the  
19 Stanislaus. These violations of law therefore impair WildEarth Guardians’ organizational mission.

20 17. These injuries to our members’ interests and our organizational mission are redressable  
21 by the court. An order declaring that the Forest Service must remedy the violations of NEPA, the  
22 Travel Rule, and/or NFMA that we alleged in our Complaint through a supplemental analysis of the  
23 impacts to these four species, while at the same time keeping the new winter travel in place to  
24 regulate OSV use on the forest, would alleviate the identified harm to our interests. The Forest  
25 Service would have to remedy these violations of law by conducting supplemental analysis and  
26 making changes to the OSV designations that ensure additional protections for Sierra Nevada red  
27 fox, Pacific marten, Sierra Nevada yellow-legged frog, and Yosemite toad that allow Wild Earth  
28 Guardians and our members to restore, observe, and protect their populations.

Dated: July 29, 2022

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Krupp". The signature is fluid and cursive, with the first name "Chris" and last name "Krupp" clearly distinguishable.

Chris Krupp  
Wild Places Attorney  
WildEarth Guardians

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29th day of July 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which in turn automatically generated a Notice of Electronic Filing to all parties in the case who are registered users of the CM/ECF system, causing the following counsel to be served by electronic means:

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Dated: July 29, 2022

/s/Lauren M. Rule  
Lauren M. Rule